

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 APR -1 AM 10:57  
'08 MJ 0986

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus DIAZ-Alvarez,

Defendant

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **March 30, 2008**, within the Southern District of California, defendant, **Jesus DIAZ-Alvarez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st DAY OF APRIL 2008**.



Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

**Jesus DIAZ-Alvarez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On March 30, 2008 at approximately 6:50 AM, Border Patrol Agent E. O'Neill responded to a call in reference to four subjects heading north of the area known as "Area 51". This area is approximately four miles west of the San Ysidro Port of Entry and approximately three hundred yards north of the United States/ Mexico International Boundary Fence. After arriving on scene, Agent O'Neill III came across a group of four individuals, identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality. All of the individuals including one later identified as the defendant **Jesus DIAZ-Alvarez** freely admitted to being a citizens and nationals of Mexico here in the United States illegally without any immigration documents.

At 7:00 AM all of the individuals including the defendant were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 23, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on March 31, 2008 at 9:45 a.m.

  
Terri L. Dimolios  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 30, 2008, in violation of Title 8, United States Code, Section 1326.

  
Anthony J. Battaglia  
United States Magistrate Judge

3/31/08 10:30 pm  
Date/Time